

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

April 16, 2002

MINUTES

1. Call to Order/Roll Call.

Mayor Seei called the Meeting to order at 6:39 p.m. and announced a quorum was present.

Those present were: Mayor Kathy Seei, Mayor Pro Tem Tracie Reveal, Deputy Mayor Pro-Tem Joy West, Councilmembers Maher Maso, Mike Zapata, and Buddy Minett.

Councilmember Steve Nichols was excused due to illness.

Staff present: City Manager George Purefoy, Assistant City Manager Scott Young, Interim Assistant City Manager Jason Gray, City Attorney Richard Abernathy, Director of Planning John Lettelier, City Engineer Frank Jaromin, and City Secretary Nan Parker.

2. Invocation.

Mayor Seei offered the prayer.

3. Pledge of Allegiance.

Deputy Mayor Pro Tem West led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

William Falkenstein was present to address the Council regarding his concern about the lawsuit filed contesting the February 2, 2002 Local Option Election.

Jim Joyner announced that there would be a special Town Hall Meeting sponsored by the Citizens Bond Committee on Wednesday, April 17, 2002 at 7:00 at Frisco High School.

5. Reports:

A. Presentation from the North Central Texas Council of Governments Council on Developmental Excellence.

Mayor Seei presented a PowerPoint presentation from North Texas Council of Governance on Development Excellence. She reiterated the need for all citizens to conserve water, keep the air clean, and keep lakes clean. The program is to promote conservation and protection of the environment.

B. City Manager's update of "Project Status Tracking Report Governance Tool".

No discussion taken.

C. Update of Street Improvement Program.

Director of Public Works Gary Hartwell updated the City Council on the priority list containing twenty-five streets in the Old Town area.

D. Environmental Services Division Service Report.

Interim Assistant City Manager Jason Gray updated the City Council on the responses and complaints from citizens.

E. Staff Report regarding Collin County Parks and Open Space Board Membership.

Senior Landscape Architect Dudley Raymond updated the City Council on the Collin County parks and open space.

F. Staff update regarding Traffic Calming Efforts.

Traffic Engineer Brian Moen was present to address the Council regarding Traffic Calming Efforts. Mr. Moen stated that they have studied ninety-one residential streets. He stated that Prestmont HOA had developed a "Speed Committee". The Council suggested that other HOA's be informed about the Prestmont HOA and provide suggestions about the creation of speed committees within their developments.

G. Staff report regarding monthly financial statements.

No action was taken.

6. Consent Agenda:

The consent agenda was considered for approval, excluding item #Q. Councilmember Maso moved to pull item #Q. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to approve the consent agenda, excluding item #Q. After a second by Deputy Mayor Pro Tem West, the motion was approved by vote of 5-0.

- A. Approval of minutes of the February 19, 2002; March 5, 2002; and March 19, 2002 Regular City Council Meetings. (City Secretary's Office)
- B. Approval of payment of Invoice Number 14 to architects Phelps/Wood in the amount of \$2,595.80 for services regarding Frisco Fire Station Number 4. (Fire Department)
- C. Approval of tax refunds over \$500.00 for tax year 2000. (Administrative Services)
- D. Approval of tax refunds over \$500.00 for tax year 2001. (Administrative Services)
- E. Approval of Pay Advance Number 6 for construction related to the Frisco Sports-Entertainment Complex to the Beck Group, Inc. in the amount of \$1,768,466.45. (City Manager's Office/ASY)
- F. Approval to award Bid Number 0203-010 for a 2002 Model Backhoe for the Sewer Division to Future Equipment in the amount of \$43,935.00. (Public Works Department)
- G. Approval to award Bid Number 0203-009 for a 2002 Model Bucket Truck for the Street Division to Bankston Ford in the amount of \$57,377.80. (Public Works Department)
- H. Approval to award Bid Number 0203-008 for 2002 Model Wheel Loader for the Water Division to Future Equipment in the amount of \$84,253.00. (Public Works Department)
- I. Adoption of **Resolution No. 02-04-72R** to approve and adopt the amended investment policy. (Administrative Services)
- J. Approval of Pay Estimate Number 9 in the amount of \$36,358.88 to Mario Sinacola and Sons for Frisco Square Management District Projects, Project Number CV-0389. (Engineering Division)

- K. Approval of payment of Invoice Numbers 10903, 10897, 11001, and 10984 for the total amount of \$16,734.00 to Soiltech Engineering and Testing, Inc. for Frisco Square Management District Projects, Project Number CV-0389. (Engineering Division)
- L. Approval of Pay Estimate Number 2 to Frisco Industrial Partners, Ltd. in the amount of \$244,946.09 for Eldorado Parkway Extension to 2934, Project Number CV-0188. (Engineering Division)
- M. Approval Pay Estimate Number 9 to Tiseo Paving Company in the amount of \$235,239.43 for Rolater Road Phase 5, Project Number CV-0356. (Engineering Division)
- N. approval of Pay Estimate Number 8 to Glen Thurman, Inc. for Wade Blvd and Ohio extension in the amount of \$40,139.35, Project Number CV-0007. (Engineering Division)
- O. Approval of Final Payment to Glen Thurman, Inc. in the amount of \$52,704.50 for Wade Blvd. and Ohio extension, Project Number CV-0007. (Engineering Division)
- P. Approval of a Professional Services Agreement by and between Carter and Burgess, Inc. and the City of Frisco for design services for park improvements at McKinney Road Park and adopt **Resolution No. 02-04-73R** authorizing the City Manager to execute the Agreement. (Parks Department)
- Q. **Approval of an Agreement by and between the City of Frisco and Pyrotex, Inc. for a fireworks display at the 2002 Centennial Celebration and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager's Office/JG)**

Councilmember Maso moved to adopt **Resolution No. 02-04-74R** approving the agreement subject to an oral agreement. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.
- R. Approval of the selection of David K. Wasson Management Consulting for the recruitment of a Deputy City Manager and authorize the City Manger to negotiate an Agreement for the services. (Human Resources)
- S. Approval of **Resolution No. 02-04-75R** adopting a map reflecting the city limits as of February 2, 2002. (City Secretary's Office)

- T. Adoption of **Resolution No. 02-04-76R** authorizing participation in the TexSTAR Program. (Administrative Services)
- U. Consider and act upon authorization of funding not to exceed \$55,000.00 for traffic signal modification and upgrade at Hillcrest Road and Lebanon Road. (Engineering Division)

7. Legislative Agenda:

The legislative agenda was considered for approval. Mayor Pro Tem Reveal moved to approve the legislative agenda as presented. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

- A. Approval of a Site Plan: Old Donation, Block 55, Lots 13-21. Applicant(s): City of Frisco. A proposed parking lot and community center on nine lots on 0.7± acre on the southwest corner of Oak Street and Fourth Street. Zoned Original Town Commercial. Neighborhood #11. (Planning Dept.)
- B. Approval of a Site Plan: Preston Vineyards North, Block A, Lot 41 (Amenity Center). Applicant(s): Pulte Homes & Ironwood Design Group. An amenity center on one lot on 0.4± acre on the northwest corner of Wentworth Drive and Creekmore Drive. Zoned Planned Development-12-Single-Family. Neighborhood #19. (Planning Dept.)
- C. Approval of a Preliminary Plat: The Villages at Stonebriar Park – Phase 2. Applicant(s): Stonecreek Land L.P. 73 Patio Home lots and four open space lots on 31.0± acres on the southwest corner of Warren Parkway and Stonebriar Drive. Zoned Planned Development-30-Patio Home. (Planning Dept.)
- D. Approval of a Site Plan, Final Plat, & Conveyance Plat: LDC Clearview Addition, Block A, Lots 1, 2 and 3. Applicant(s): LDC – Frisco, L.P. A restaurant on three lots on 9.5± acres on the northeast corner of Preston Road and S.H. 121. Zoned Highway. Neighborhood #29. (Planning Dept.)
- E. Adoption of **Ordinance No. 02-04-47** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 and repealing Ordinance No. 86-05-04; rezoning a tract of land consisting of 131.9669 acres, from planned development-garden office/commercial office/commercial center/business center (pd-31-go/co/cc/bc) to planned development- garden office/commercial

office/commercial center/business center (pd-31-go/co/cc/bc). (Zoned Planned Development-31).(Z2002-0001) (Planning Dept.)

- F. Adoption of **Ordinance No. 02-04-48** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a specific use permit for an antenna on one lot on 0.7± acre located 370± feet east of Legacy Drive, 850± feet south of Warren Parkway. (SUP2001-0017). (Planning Dept.)
- G. Adoption of **Ordinance No. 02-04-49** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 Article II, Section 3.03(H) (Automobile and Related Uses (Automobile Sales/Leasing C-2).(ZA2002-0009). (Planning Dept.)
- H. Adoption of **Ordinance No. 02-04-50** changing the name of Jetport Parkway to Platinum Parkway.

8. Governance Agenda:

A. Review of monthly Governance Monitoring Staff Reports.

Discussion only, no formal action taken.

Regular Agenda:

- 9. **Public Hearing: Specific Use Permit SUP2001-0019. Applicant(s): Lebanon Baptist Church. A request for a Specific Use Permit for a Church on 6.7± acres on the northeast corner of Lebanon Road and Ohio Drive. Zoned Planned Development-70-Single-Family-4. Neighborhood #24. (SUP2001-0019) (Planning Dept.)**

Director of Planning John Lettellier recommended approval with arrangements to have the older Lebanon Baptist Church removed to Heritage Park.

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

There being no one to speak for or against the request, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to instruct staff to prepare an ordinance approving the specific use permit. After a second by Councilman Zapata, the motion was approved by a vote of 5-0.

10. Adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a specific use permit for a church on 6.7± acres on the northeast corner of Lebanon Road and Ohio Drive. (SUP2001-0019). (Planning Dept.)

Councilmember Minett moved to adopt **Ordinance No. 02-04-51** approving the specific use permit for Lebanon Baptist Church. After a second by Councilmember Maso, the motion was approved by a vote of 5-0.

11. Public Hearing: Zoning Case Z2001-0027. Applicant(s): Rex Real Estate, L.P. A request to rezone 7.8+ acres on the south side of U.S. 380, 550+ east of future Dallas Parkway (Dallas North Tollway) from Agricultural to Highway. Neighborhood #53. (Planning Dept.)

Director of Planning John Lettellier recommended approval and stated that this request is part of the Dallas Tollway Overlay District.

Councilmember Maso moved to open the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Rodney Hick spoke in favor of the request.

There being no one else to speak, Councilmember Maso moved to close the public hearing. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Councilmember Maso moved to instruct staff to prepare an ordinance approving the zoning request. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

12. Public Hearing: Specific Use Permit SUP2002-0002. Applicant(s): 121 HC Partners, L.C. A request for a Specific Use Permit for New Automobile Sales/Leasing on 34.7+ acres on the northeast corner of S.H. 121 and Hillcrest Road. Zoned Highway. Neighborhood #28. (Planning Dept.)

Mayor Pro Tem Reveal moved to remove the item from the table. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

Director of Planning John Lettellier recommended approval of the specific use permit subject to no speakers and installation and use of a wireless pager system.

Deputy Mayor Pro Tem West moved to open the public hearing. After a second by Councilmember Zapata, the motion was approved by a vote of 5-0.

Frank Abbott, Kimley-Horn, representing the applicant, spoke in favor of the request and stated that the applicant is in agreement with staff comments.

Steve Gish spoke in favor of the request.

There being no one else to speak for or against the request, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to instruct staff to prepare an ordinance subject to the following:

20' center of all evergreens;
25' landscape edge with double row of trees to be staggered; and
That the dealership will work to mitigate test-drives away from neighborhoods.

After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

13. Consider and act upon approval of a Concept Plan: 121/Hillcrest Addition, Block A, Lots 1 – 5. Applicant(s): 121 HC Partners, L.C. and Craig International. An automobile dealership on one lot on 34.7± acres on the northeast corner of S.H. 121 and Hillcrest Road. Zoned Highway. Neighborhood #28.

Councilmember Maso moved to remove the item from the table. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to approve the concept plan for 121/Hillcrest Addition, Block A, Lots 1-5 subject to the changes of the specific use permit. After a second by Councilmember Zapata, the motion was approved by a vote of 5-0.

14. Public Hearing: Zoning Case Z2001-0031. Applicant(s): Stratford Group/Cobb Family. A request to rezone 218.4+ acres on the north side of Eldorado Parkway, on both sides of the future Dallas North Tollway from Agricultural to Planned Development-Single Family-3 (48.6+ acres)/Patio Home (28.1+ acres)/Multifamily-2 (51.7+

**acres)/Office-2 (9.1+ acres)/Retail & Office-2 (80.4+ acres).
Neighborhood #47. (Planning Dept.)**

Councilmember Maso moved to remove the item from the table. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Director of Planning John Lettellier recommended approval.

Councilmember Minett moved to open the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

There being no one to speak for or against the request, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Councilmember Minett moved to instruct the staff to prepare an ordinance approving the zoning request subject to staff comments and the changes from the letter that was presented. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 4-1, with Councilmember Zapata in opposition.

15. Public Hearing: Zoning Case ZA2002-0002. Applicant(s): City of Frisco. A request to amend the Comprehensive Zoning Ordinance regarding the density calculations in the TH – Townhome District. (Planning Dept.)

Director of Planning John Lettellier recommended approval.

Councilmember Maso moved to open the public hearing. After a second by Councilmember Zapata, the motion was approved by a vote of 5-0.

There being no one to speak for or against the request, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to instruct staff to prepare an ordinance approving the zoning request. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

16. Public Hearing: Zoning Case Z2002-0006. Applicant(s): City of Frisco. A request to rezone 3.8+ acres on the northeast and southeast corners of North County Road and Oak Street from Single-Family-5 to Original Town Residential. Neighborhood #11. (Planning Dept.)

City Planner Trent Cantrell recommended approval.

Councilmember Zapata moved to open the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

There being no one to speak for or against the request, Deputy Mayor Pro Tem West moved to close the public hearing. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Councilmember Minett moved to instruct staff to prepare an ordinance approving the zoning request. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

17. Public Hearing: Zoning Case Z2002-0003. Applicant(s): Heritage Lakes Joint Venture. A request to rezone 0.2+ acres on the west side of East Crescent Way, 150+ south of Constitution Drive from Planned Development-80-Neighborhood Service to Planned Development-80-Single Family-5. Neighborhood #36. (Planning Dept.)

Director of Planning John Lettellier stated that Planning and Zoning Commission recommended approval, staff recommended denial because the request went forward as SF-5 and staff had recommended open space.

Councilmember Minett moved to open the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

Chaz Fitzgerald presented a handout to the City Council and stated that he would not allow water and sewer to the tract if a park is not developed.

Amy Smolik, lives at Heritage Lakes, stated that the builder said that it would be a park and Lennar Homes had promised to develop a park.

Councilmember Minett moved to instruct the staff to prepare an ordinance subject to Planning and Zoning recommendations and to make sure that the homeowners are aware of the changes. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 4-1, with Councilmember Zapata in opposition.

18. Presentation of Fiscal Year 2001 Comprehensive Annual Financial Report. (Administrative Services)

Bill Hanley of KMPG, auditors, made a brief presentation of the financial report.

19. Discussion and staff direction regarding sales tax estimates and potential amendment of the fiscal year 2002 budget. (City Manager's Office)

Director of Administrative Services Nell Lange reported that she and Interim Assistant City Manager Jason Gray provided some estimates for the 2002 fiscal year budget. The estimate is 7.3% increase, which is a net increase of \$948,000.

20. Discussion and staff direction regarding the designated light pole for use on Preston Road. (Planning Dept.)

Senior Landscape Architect Dudley Raymond recommended to the City Council approval of the light poles on Preston Road.

21. Discussion of staff direction evaluations of Municipal Judge and City Attorney. (City Secretary's Office)

It was the consensus of the City Council to have a special City Council meeting for the evaluations of the Municipal Judge and the City Attorney.

22. Approval of authorizing the City Manger to negotiate an Agreement for Consulting Services regarding the implementation of a City-Wide drainage fee. (City Manager's Office/ASY)

City Engineer Frank Jaromin recommended hiring a consultant to survey other cities on attaching a cost for drainage fees on water bills.

Councilmember Minett moved to authorize the City Manager to negotiate an agreement for consulting services for the implementation of a citywide drainage fee. After a second by Councilmember Maso, the motion was approved by a vote of 5-0.

23. Adoption of an Ordinance for the Funding for the Arts Program. (Parks Department/DR)

Senior Landscape Architect Dudley Raymond recommended approval of the future funding for the arts program.

Mayor Pro Tem Reveal moved to adopt **Ordinance No. 02-04-52** subject to staff's comments approving the funding for the Arts Program. After a second by Councilmember Minett, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal requested to add an item, along with other financial items, to adopt the funding of the masterplan.

24. Public Hearing First/Hearing: Voluntary annexation requested by Bert Fields, Jr. (case A2002-23): the property is a tract of land in the Collin County School Land Survey, Abstract Number 149, Collin County, Texas containing 6.78 acres ±. (City Secretary's Office)

Councilmember Maso moved to open the public hearing. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

There being no one to speak, Councilmember Maso moved to close the public hearing. After a second by Councilmember Zapata, the motion was approved by a vote of 5-0.

City Secretary Nan Parker informed the Council the property is located in the City's ETJ, is contiguous to existing city limits and is eligible for annexation. The Service Plan was available for public inspection.

25. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Mayor Pro Tem Reveal moved to recess into closed session at 9:57 p.m. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

Mayor Seei read the following items that will be discussed in closed session:

- A. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of US 380, north of FM 720, east of FM 423, and west of SH 289.
 - ii. south of Eldorado Pkwy., north of Stonebrook Pkwy., east of Teel Rd., and west of SH 289.
- C. Section 551.071. Consultation with the attorney for the City regarding:
 - i. legal aspects of changes to zoning and subdivision regulations;
 - ii. legal aspects of zoning control;
 - iii. legal aspects of a proposed development agreement (Brinkmann);

- iv. legal aspects of issues associated with the burial of overhead utility lines;
- D. Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- E. Section 551.074. Discussion with City Manager regarding staff performance.
- SP3. Section 551.074. Executive session to discuss duties of City Council members and to hear complaints against one or more City Council members.

Councilmember Zapata moved to recess into open session at 12:00 a.m. After a second by Councilmember Minett, the motion was approved by a vote of 5-0. Deputy Mayor Pro Tem West left at 12:00 a.m.

26. Approval of a Development Agreement by and between the City of Frisco and J. Baxter Brinkmann and Frisco Town Center Properties, L.P. and adoption of Resolution authorizing the City Manager to execute the agreement. (City Manager's Office/GP)

Mayor Pro Tem Reveal moved to adopt **Resolution No. 02-04-77R** approving the agreement and the right-of-way agreement subject to final approval by the City Attorney and City Manager. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

27. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

City Manager George Purefoy was asked to bring a list of items as a result of any items back to Council.

SP1. Authorizing the City Manager to execute a Memorandum of Understanding or Letter of Support regarding Denton County Substance Abuse Coalition Drug-Free Communities Grant Application.

Mayor Pro Tem Reveal moved to authorize the City Manager to execute a memorandum of understanding of letter of support. After a second by Councilmember Minett, the motion was approved by a vote of 4-0.

SP2. Approval of a Development Agreement by and between the City of Frisco and J. Baxter Brinkmann and Frisco Town Center Properties, L.P. and adoption of Resolution authorizing the City Manager to execute the agreement. (City Manager's Office/GP)

This item was not discussed or acted upon.

28. Discussion on Governance Monitoring of present City Council Meeting.

Councilmember Maso discussed his views on the meeting.

29. Adjourn.

Councilmember Maso moved to adjourn the meeting at 12:10 a.m. After a second by Councilmember Minett, the motion was approved by a vote of 4-0.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary